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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,090

07/30/2003

William R. Laux

WRL-102A

3233

7590

01/11/2005

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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/631,090	Applicant(s) LAUX, WILLIAM R.	
	Examiner Bao Q. Truong	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/30/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-3 and 11-13 are objected to because of the following informalities:  
  
Claim 1, "a second cover" in line 12 should be changed to –said second cover--.  
  
Claims 2 and 3 have repeated the limitations of claim 1 lines 9-10.  
  
Claim 11, "a second cover" in line 12 should be changed to –said second cover--;  
  
"a distinguishable illustration" in line 17 should be changed to –said distinguishable illustration--; "it" in line 17 should be changed to what it refers.  
  
Claims 12 and 13 have repeated the limitations of claim 11 lines 9-10.  
  
Appropriate correction is required.

### *Specification*

2. The abstract of the disclosure is objected to because the abstract should not exceed 150 words. Correction is required. See MPEP § 608.01(b)

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-15 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogal [US 6,761,468].

Regarding claim 1, Bogal discloses a portable light fixture [11] having a housing [15], a bulb [17], a power supply [19], an electrical connection, an on/off switch [16], and a first cover [12] including attachment means [adhesive] for attaching a second cover [55] with a distinguishable illustration [56] (figures 1, 3 and 4, column 3 lines 1-20, column 4 lines 42-50).

Regarding claims 2 and 12, Bogal discloses the housing [15] including attachment means [42] for attaching the second cover [55] thereto [by part body 51](figure 1).

Regarding claims 3 and 13, Bogal discloses the first cover [12] including attachment means [adhesive] (column 4 lines 42-50).

Regarding claims 4 and 14, Bogal discloses attachment means being a linear track [81, 81'] and the second cover [55] being a linear strip (figures 1 and 3).

Regarding claims 5 and 15, Bogal discloses the distinguishable illustration being words (figure 1).

Regarding claims 7-9 and 17-19, Bogal discloses the first cover [12] being a circular cover (figure 1).

Regarding claims 10 and 20, Bogal discloses a battery (column 3 line 19).

Regarding claim 11, Bogal discloses a portable light fixture [11] having a housing [15], a bulb [17], a power supply [19], an electrical connection, an on/off switch [16], a

first cover [12] including attachment means [adhesive] for attaching a second cover [55] with a distinguishable illustration [56] and a wall attachment means [ring at rear 41] (figures 1, 3 and 4, column 3 lines 1-20, column 4 lines 42-50).

### ***Allowable Subject Matter***

5. Claims 6 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 6 and 16, a first cover is of a first color and a distinguishable illustration of a second cover is of a second color.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wall [US 5,239,450] and Novak [US 5,103,581] disclose a portable illuminated sign.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875



THOMAS M. SEMBER  
PRIMARY EXAMINER